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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/164,624	10/01/1998	YOSHIHIRO ISHIDA	35.C-13000	6892

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EXAMINER

YE, LIN

ART UNIT PAPER NUMBER

2612

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

B

**Office Action Summary**

Application No.

09/164,624

Applicant(s)

ISHIDA ET AL

Examiner

Lin Ye

Art Unit

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No: \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a **single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Monitoring System Apparatus and Processing Method.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-4, 6-8, 10-11, 13-16, 18-20 and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. U.S. Patent 6,108,033.

Referring to claims 1-2, 15-16, and 22-23, Ito reference discloses in Figures 3-4, 8 and 14, an image processing apparatus is applied to a video image monitoring system which detects the object to be monitored such as an automobile or a human intruded into the predetermined area and conducts the position control of the TV camera in accordance with the movement of the object to be monitored (See Col. 15, lines 35-40). The TV camera sent the input image data through the image input interface (1102), a data bus (1112) and an image output (1109) to monitor (1111). It detects the object to be monitored and controls the position of the TV camera in accordance with the distance of movement of object. (See Col 6, lines 1-15). It also measures a distance from the predetermined object and check if it is outside of the predetermined monitor area in step (18) show as in Figure 8 (See Col 7, 53-60).

Referring to claims 3-4 and 13-14, the TV camera system comprises image pickup means for picking up an image of an object via an optical system as shown in Figure 15A (See Col. 14, lines 8-12).

Referring to claims 6-7 and 18, the TV camera system detects a size of the object with a predetermined size on the basis of an output from size detecting means. It sets and updates the size of the templates in accordance with the apparent size of the object to be monitored as shown in Figure 12, step (40) (See Col. 13, lines 50-58).

Referring to claims 8 and 19, the system controls the zooming of TV camera to be adjusted based on the calculated distance between the objects to be monitored (See Col. 14, lines 56-67).

Referring to claim 10-11 and 20, The TV camera system is applied to a video image monitoring system which detects the object to be monitored such as an automobile or a human intruded into the predetermined area and conducts the position control of the TV camera in accordance with the movement of the object to be monitored (See Col. 15, lines 35-40). The TV camera sent the input image data through the image input interface (1102) and temporarily stored in an image memory (1103) through a data bus (112). An image processor (1104) conducts image processing and supplies the generated template to the image output interface (1109), displays it on the monitor (1111) together with the input image so that the operator can readily monitor the object to be monitored on the monitor as shown in Figure 3. (See Col. 6, lines 8-12).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5,9, 12, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. U.S. Patent 6,108,033 in view of Salvati U.S. Patent 6,359,644.

Ito reference discloses in Figures 3-4, 8 and 14, an image processing apparatus is applied to a video image monitoring system which detects the object to be monitored such as an automobile or a human intruded into the predetermined area and conducts the position control of the TV camera in accordance with the movement of the object to be monitored (See Col. 15, lines 35-40). The TV camera sent the input image data through the image input interface (1102), a data bus (1112) and an image output (1109) to monitor (1111). It detects the object to be monitored and controls the position of the TV camera in accordance with the distance of movement of object. (See Col 6, lines 1-15). It also measures a distance from the predetermined object and check if it is outside of the predetermined monitor area in step (18) show as in Figure 8 (See Col 7, 53-60).

Referring to claims 5,9 and 17, Ito does not states the TV camera system can use focusing control information to measure the distance from the object to the predetermined position instead of magnification factor.

Salvati reference discloses in Figure 2, a video camera (10) comprises a lens system having selected optical characteristics and a CCD imager. The system includes a microprocessor/CPU that calculates the size of the target object by mathematically manipulating the optical characteristics, the focus data, the zoom data, and pixel data. The exact object distance is determined by feedback from the focus motor and calculating the deviation from zero. (See Col. 5, lines 25-30).

This would be an advantage over Ito's TV camera system in that it could achieve to change an object image into a distance image for the purpose of recognizing objects and get more accurate distance result, as taught by Salvati. For that reason, it would have been obvious to one of ordinary skill in the art at the time to see the TV camera can associate the focusing control information for measuring the distance from the detected object to the predetermined position disclosed by Ito.

Referring to claims 12 and 21, Ito does not mention that image processing apparatus is incorporated into a monitoring camera.

Salvati's video camera (10) includes a microprocessor/CPU (50) that calculates the size of the target object by mathematically manipulating the optical characteristics, the focus data, the zoom data, and pixel data (See Col 3, lines 40-45).

It would highly advantages to have the image processing done in the camera because it can optimum detection of object for responding different characteristics of monitoring camera and resulting in an more flexibility. It also reduces the TV monitor system size. For that reasons, it would have been obvious to include image processing apparatus into a monitoring camera disclosed by Ito.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Hasegawa et al. U.S 6,128,396 discloses an automatic monitoring apparatus for automatically detecting an object to be detected.

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- b. Aviv U.S 5,666,157 discloses a surveillance system having at least one primary video camera for translating real images.
- c. Toba U.S. 5,648,815 discloses a video camera includes a motion detecting circuit.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



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Lin Ye  
May 20, 2002

A handwritten signature in black ink, appearing to read 'Andrew Christensen', followed by a horizontal line extending to the right.

ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600